

IN THE HIGH COURT OF GUJARAT AT AHMEDABAD

SPECIAL CRIMINAL APPLICATION No 437 of 1996

For Approval and Signature:

Hon'ble MR.JUSTICE S.D.DAVE

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1. Whether Reporters of Local Papers may be allowed to see the judgements?

2. To be referred to the Reporter or not?

3. Whether Their Lordships wish to see the fair copy of the judgement?

4. Whether this case involves a substantial question of law as to the interpretation of the Constitution of India, 1950 of any Order made thereunder?

5. Whether it is to be circulated to the Civil Judge?

1 to 5 : No

PALABHAI LAKHMANBHAI

Versus

STATE OF GUJARAT

Appearance:

MS KD PARMAR for Petitioner

MR BD DESAI, ADDL.PUBLIC PROSECUTOR for Respondent No. 1

CORAM : MR.JUSTICE S.D.DAVE

Date of decision: 23/04/96

ORAL JUDGEMENT

The present petition requires a recognition. The prisoner has been denied his first furlough on the ground that there has been an adverse police opinion and that there is every likelihood of the breach of peace. This cannot be said to be the grounds for the rejection of the furlough which becomes due. So far as the aspect regarding the apprehension of breach of peace is concerned, adequate care can be taken by imposing

suitable conditions. The petition, therefore, succeeds. The same is hereby allowed. The prisoner is granted furlough for a period of two weeks. The I.G. Prisons is directed to release the prisoner on his furlough after completion of the requisite formalities, as early as possible. The prisoner is going to stay at village Moti Panali, under the Upleta Taluka of the Rajkot District. During the period of furlough, he should remain present at Upleta Taluka Police Station at least twice during the morning hours. Rule is made absolute accordingly. Direct service is permitted. The copy of the present orders should be made available to learned Government Counsel Mr.B.D. Desai.
